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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,036	04/11/2000	Masato Yoshikawa	NEC-158US	4161

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EXAMINER
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BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 01/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/547,036

Applicant(s)

YOSHIKAWA, MASATO

Examiner

Lewis A. Bullock, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4. 6) ☐ Other: .

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/547,036, filed on 4/11/00.

### *Specification*

2. The disclosure is objected to because of the following informalities: From what the examiner understands about the invention in regards to fig. 1 and 2, it would seem that the managing module would transfer driver C of the function C to the first and **second** AV apparatus 12 and 13, since both these apparatus did not have the previous function. The specification states at pg. 12, lines 23-24, that the driver is transferred to the first and third AV apparatus. The examiner is requesting clarification of which way. A similar request is made in response to the second apparatus transfer the drivers of the functions A and B to the **second** and third AV apparatus on page 14, lines 9-11. It would seem it should be the first and third AV apparatus.

Appropriate correction is required.

### *Information Disclosure Statement*

3. The information disclosure statements filed 4/11/00 and 9/10/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there no explanation of relevance for the non-English language information as proper under in the M.P.E.P. when information not in the English language is submitted. Applicant attempted to provide a partial translation to one reference however, the paragraph or

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circled part that Applicant is translating via the paragraph number, is not found in the reference. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by TAKAHASHI et al. (U.S. 5,887,193).

As to claim 1, TAKAHASHI teaches an audio-video managing system wherein the system comprises a plurality of audio-video (AV) apparatus (AV devices / digital VTR device / digital camera device), and a managing apparatus (multimedia controller / data input/output managing means) which is connected with the plurality of AV apparatus (via communication means) (fig. 37); and wherein the managing apparatus

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comprises: means for receiving AV apparatus information (acceptable file types / delegate object description file) included information on functions of said AV apparatus (i.e. processes this data attribute / control panel containing functions of device) (col. 27, line 54 – col. 28, line 22) and ranks of the functions (priority), which is transmitted from the plurality of AV apparatus (AV devices) and for detecting duplicated functions (same file types when establishing a link) existing among the plurality of AV apparatus (AV devices) (col. 26, lines 24-47); and means for determining allocation so that the duplicated function (file type processing) is allocated to an AV apparatus (AV device) having a highest rank (highest priority similar file type) and optimum functions are allocated to each of the plurality of AV apparatus (AV device) based upon the information on the rank of the function (priority) when the presence of duplicated functions (same file types) among the plurality of AV apparatus functions is detected (col. 26, line 24 – col. 29, line 21; col. 6, lines 36-53; col. 13, line 25-57; col. 19, lines 28 – col. 20, line 29).

As to claim 2, TAKAHASHI teaches each of the AV apparatus (AV devices) transmits control drivers (control panels/ link information) of the functions which are determined by the managing apparatus (multimedia controller / data input/output managing means) to each of the managing apparatus (multimedia controller / data input/output managing means), the managing apparatus comprising means for receiving the control drivers (control panel / link information) of the functions which are transmitted from each of the AV apparatus to store and hold the control drivers (control

panels / link information) and for transmitting the control drivers (data from executing functions of control panels, i.e. link information when establishing a link) of the functions to any other AV apparatus (AV device) which does not have the functions (notify each AV device of the link) (col. 20, lines 9-29; col. 26, line 24 – col. 29, line 21).

As to claim 3, TAKAHASHI teaches the AV apparatus information comprises information of identification of its own AV apparatus (registration information), a number of sets of information on the functions (acceptable file types) and ranks (priority), which number is equal to the number of functions which are possessed by its own AV apparatus information to the managing apparatus (multimedia controller / data input/output managing means) when the AV apparatus (AV device) is connected to the managing apparatus (multimedia controller / data input/output managing means) (col. 26, line 24 – col. 29, line 21; col. 6, lines 36-53; col. 13, line 25-57; col. 19, lines 28 – col. 20, line 29; col. 11, lines 9-28).

As to claim 4, TAKAHASHI teaches the managing apparatus (multimedia controller / data input/output managing means) comprises means for inputting information which is specified by an user so that presetting of the connection mode and function allocation of the AV apparatus is rendered possible by the specification of the user (via issued commands) (col. 2, lines 5-7; col. 2, lines 30-42).

As to claim 5, TAKAHASHI teaches the at least one of the plurality of AV apparatus comprises the managing apparatus (col. 25, lines 14-23).

As to claim 6, TAKAHASHI teaches an AV apparatus managing system, wherein the system comprises one or more audio-video (AV) apparatus (multimedia controller / data input/output managing means), and a plurality of information processing apparatus (AV devices / digital VTR device / digital camera device) being connected to one or more of the AV apparatus and having functions outputting audio and/or video signals, and wherein the AV apparatus selects the information processing apparatus having the highest rank (priority) function (highest priority data type attribute) based upon rank information (priorities) of the functions possessed by this AV apparatus (AV device) to transmit a control driver (link information) of the highest rank function to the selected information processing apparatus (AV device) (fig. 37; col. 26, line 24 – col. 29, line 21; col. 6, lines 36-53; col. 13, line 25-57; col. 19, lines 28 – col. 20, line 29).

As to claim 7, TAKAHASHI teaches the system is connected with an apparatus (communication means) transferring data (multimedia data) of plurality of channels so that data on each of the channels is reproduced by respective different AV apparatus (via link the devices in order to process data) (fig. 37; col. 26, line 24 – col. 29, line 21; col. 6, lines 36-53; col. 13, line 25-57; col. 19, lines 28 – col. 20, line 29; col. 7, lines 1-39; col. 8, lines 5-12).

As to claim 8, TAKAHASHI teaches means for selecting an AV apparatus which performs the function in a predetermined selecting format (file type) when a plurality of AV apparatus have a same rank (priority) for a same function (processing the function in this file type) (col. 26, line 24 – col. 29, line 21; col. 25, lines 14-23).

As to claim 9, TAKAHASHI teaches the system further comprises at least one information processing apparatus (multimedia controller) which comprises the managing apparatus (input/output managing means), the processing apparatus being connected to one or more of the AV apparatus (AV devices) and having functions outputting audio and/or video signals (fig. 37).

As to claim 10, TAKAHASHI teaches the system further comprises at least one information processing apparatus (multimedia controller) which comprises the managing apparatus (input/output managing means) (fig. 37).

As to claim 11, TAKAHASHI teaches the computer comprises at least one function unit (controller objects of AV devices) which performs at least one function selected for at least one of the AV apparatus (AV devices) (col. 17, lines 57-67).

As to claim 12, TAKAHASHI teaches the AV apparatus (multimedia controller which is a controller for other AV devices but connected to a first multimedia controller)



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selects the information processing apparatus (AV device of a subsequent multimedia controller) having a highest rank function (highest priority data type that can be processed) based upon rank information of the functions possessed by this AV apparatus to transmit a control driver (link information / control panel) of the highest rank function to the selected information processing apparatus (AV device of an subsequent multimedia controller) (col. 20, lines 9-29; col. 26, line 24 – col. 29, line 21; col. 25, lines 14-23).

As to claims 13-19, refer to claims 1-5, 7, and 8 for rejection.

***Pertinent Art Cited but Not Relied Upon***

U.S. Patent 6,052,750 discloses a system for ensuring future upgrade ability in a hoe video network. This is accomplished by a subsequent devices connecting to the network and loading an updated control module for the first device such that the registry of devices is updated and the first device is notified to replace its default control module with the updated control module so that the devices are capable of communicating with each other. This is similar to Applicant's invention except the claims do not allude to the ranking of the control modules. However, since an updated control module is substantially newer than a default control module in the nature used in the patent, the updated control module would have to have a higher rank then the default control module in order to replace it.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

*Lewis A. Bullock Jr.*

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